

## MILES TOLBERT, 4-13-09

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IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT,) )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA, )

Plaintiff, )

vs. )

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al, )

Defendants. )

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THE VIDEOTAPED DEPOSITION OF  
MILES TOLBERT, produced as a witness on behalf of  
the Defendants in the above styled and numbered  
cause, taken on the 13th day of April, 2009, in the  
City of Oklahoma City, County of Oklahoma, State of  
Oklahoma, before me, Lisa A. Steinmeyer, a Certified  
Shorthand Reporter, duly certified under and by  
virtue of the laws of the State of Oklahoma.

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EXHIBIT

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**MILES TOLBERT, 4-13-09**

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1 MR. GEORGE: Can we read it back, Lisa?

2 I'm sure there will be something packed into it.

3 (Whereupon, the court reporter read  
4 back the previous question.)

5 A I think that there were discussions -- there 11:38AM  
6 were discussions about bringing a lawsuit against  
7 poultry companies over the Illinois River as early  
8 as 2001, I think.

9 Q Mr. Tolbert, do you consider yourself to --  
10 I'm sorry. Reformulate that question. During the 11:39AM  
11 time you were the Secretary of the Environment for  
12 the State of Oklahoma, did you consider yourself to  
13 be a party to this litigation?

14 MR. BULLOCK: Object to form.

15 A I considered myself an officer of a party. 11:39AM

16 Q Okay. Can you elaborate on that?

17 A Yes. I mean, the party to this litigation --  
18 the plaintiff in this litigation is State of  
19 Oklahoma. I was an officer of the State of  
20 Oklahoma. 11:39AM

21 Q Okay. Let me hand you what we'll mark as  
22 Exhibit 4, which for the Record is a copy of the  
23 second amended complaint and looks like my staple  
24 did not go all the way through, so handle with care.

25 Have you seen the second amended complaint filed in 11:40AM

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